IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.3360 OF 2004

Viva Centre Properties Pvt. Ltd. ..Petitioner.

Vs.

Municipal Corporation of Greater Mumbai & Ors. .. Respondents.

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Mr. S.G. Bhandary i/b M/s. Bhandary & Bhandary for the petitioner.
Mrs. A.R. Joshi for the respondents.

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CORAM : DR.D.Y.CHANDRACHUD, J.

10th January, 2005.

P.C. :

Counsel appearing on behalf of the Municipal Corporation has produced before the Court a copy of the reasoned order passed by the Investigating Officer on 25th June, 2003 determining the assessment in respect of the property in dispute. Counsel appearing on behalf of the Petitioner has made a grievance that a copy of the reasoned order was not supplied to the Petitioner as a result of which the Petitioner could not file an appeal before the Small Causes Court under Section 217 of the Mumbai Municipal Corporation Act, 1888. In this view of the matter, counsel

appearing on behalf of the Municipal Corporation fairly states that if the appeal is filed within a period of six weeks from today, the bar of limitation shall not be raised with reference to the appeal. The Petition is accordingly disposed of by permitting the Petitioner to file an appeal against the order dated 25th June, 2003 before the Chief Judge of the Small Causes Court under Section 217 of the Mumbai Municipal Corporation Act, 1888.

A copy of the impugned order has been supplied to the counsel for the Petitioner during the course of these proceedings.

The Petition is accordingly disposed of in the aforesaid terms as withdrawn since no other point has been raised.